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SIPDIS

SENSITIVE

STATE FOR SCA/CEN (PERRY), EB/IPE (BOGER), INL (BUHLER)
DEPT PASS TO USTR JCHOE-GROVES

SIPDIS

E.O. 12958: N/A

TAGS: [KIPR](#) [BTIO](#) [ETRD](#) [ECON](#) [SNAR](#) [TX](#)

SUBJECT: 2007 SPECIAL 301 REVIEW: TURKMENISTAN

Ref: State 007944

¶1. (U) The 2007 Special 301 review process was announced to the Government of Turkmenistan via diplomatic note on January 24. Post recommends keeping Turkmenistan on the 2007 Special 301 Watch List and suggests including the following paragraph on Turkmenistan in the 2007 Special 301 report:

¶2. (U) Turkmenistan has been on the Watch List since 2000, and it will remain on the Watch List in 2007 due to its lack of progress on IPR issues during the past year. Turkmenistan has numerous remaining steps to take in order to fulfill its IPR obligations under the 1993 U.S.-Turkmenistan Trade Agreement. Specifically, Turkmenistan is neither a member of the Berne Convention nor the Geneva Phonograms Convention, and it has not yet signed the WIPO Internet Treaties. Although the Civil and Criminal Codes provide some degree of IPR protection and punishment for copyright violations and the Civil Code provides for counterfeited goods' confiscation by a court decision, Turkmenistan has yet to adopt more explicit and comprehensive administrative and civil procedures and criminal penalties for IPR violations. Turkmenistan has not adopted a separate Copyright Law and consequently does not provide any protection to foreign sound recordings or pre-existing works. IPR enforcement is inadequate because the Customs Code does not provide ex officio authority to seize suspected infringing material at the border. There are no known civil ex parte search procedures. The United States urges Turkmenistan to join appropriate international agreements and adopt the national legal reforms that will bring Turkmenistan into compliance with its obligations under the bilateral 1993 U.S.-Turkmenistan Agreement, and to undertake enforcement activities that will help strengthen its IPR regime.

BRUSH